

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

INDEMNITY INSURANCE COMPANY OF  
NORTH AMERICA,

Plaintiff,

v.

EXPEDITORS INTERNATIONAL OF  
WASHINGTON, INC. and DOES 1-5,

Defendants.

No. 2:15-cv-00851

ANSWER OF DEFENDANT  
EXPEDITORS INTERNATIONAL OF  
WASHINGTON, INC.

COMES NOW defendant Expeditors International of Washington, Inc. ("Expeditors"), as  
and for its answer to plaintiff's Complaint for Cargo Damage, ("plaintiff's Complaint") and  
hereby responds, alleges and avers as follows:

1) Responding to paragraph 1 of plaintiff's Complaint, this paragraph contains  
allegations of jurisdiction that do not require a response from Expeditors. To the extent this  
paragraph's allegations do require a response from Expeditors, Expeditors denies the same.

2) Responding to paragraph 2 of plaintiff's Complaint, this paragraph contains  
allegations of venue that do not require a response from Expeditors. To the extent this  
paragraph's allegations do require a response from Expeditors, Expeditors denies the same.

ANSWER OF DEFENDANT EXPEDITORS  
INTERNATIONAL OF WASHINGTON, INC. - 1  
Case No. 2:15-cv-00851

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PHONE (206) 447-4400 FAX (206) 447-9700

1           3)       Responding to paragraph 3 of plaintiff's Complaint, Expeditors does not have  
2 sufficient information to admit or deny the allegations of this paragraph, and therefore denies the  
3 same.

4           4)       Responding to paragraph 4 of plaintiff's Complaint, Expeditors admits it is  
5 corporation under the laws of Delaware with a principal office and place of business at the  
6 alleged address. Expeditors further admits it was and is engaged in business as a freight  
7 forwarder, broker, transportation intermediary and/or agent for other entities involved in the  
8 shipment of the product that is the subject of plaintiff's Complaint. Expeditors denies the  
9 remaining allegations of this paragraph.  
10

11           5)       Responding to paragraph 5 of plaintiff's Complaint, Expeditors does not have  
12 sufficient information to admit or deny the allegations of this paragraph, and therefore denies the  
13 same.  
14

15           6)       Responding to paragraph 6 of plaintiff's Complaint, Expeditors admits the  
16 allegations thereof.

17           7)       Responding to paragraph 7 of plaintiff's Complaint, Expeditors does not have  
18 sufficient information to admit or deny the allegations of this paragraph, and therefore denies the  
19 same.  
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21           8)       Responding to paragraph 8 of plaintiff's Complaint, Expeditors does not have  
22 sufficient information to admit or deny the allegations of this paragraph, and therefore denies the  
23 same.

24           9)       Responding to paragraph 9 of plaintiff's Complaint, Expeditors denies the  
25 allegations thereof.  
26

1           10)     Responding to paragraph 10 of plaintiff's Complaint, Expeditors admits it issued  
2 to GE Medical Systems or its agent its house Air Waybill bearing number 4041519451 for  
3 carriage of goods from Chicago to Charles De Gaulle Airport in Paris, France. Expeditors denies  
4 the remaining allegations of this paragraph.

5           11)     Responding to paragraph 11 of plaintiff's Complaint, Expeditors admits the  
6 allegations thereof.

7           12)     Responding to paragraph 12 of plaintiff's Complaint, Expeditors incorporates  
8 herein its responses to the allegations of paragraphs 1 through 11 above as if fully stated herein.

9           13)     Responding to paragraph 13 of plaintiff's Complaint, this paragraph consists of  
10 allegations of legal conclusions that do not require a response from Expeditors. To the extent  
11 such allegations do require a response from Expeditors, Expeditors denies the same. Expeditors  
12 specifically denies that it breached any duties, or that it is liable for any of plaintiff's alleged  
13 damages.  
14

15           14)     Responding to paragraph 14 of plaintiff's Complaint, Expeditors incorporates  
16 herein its responses to the allegations of paragraphs 1 through 13 above as if fully stated herein.

17           15)     Responding to paragraph 15 of plaintiff's Complaint, this paragraph consists of  
18 allegations of legal conclusions that do not require a response from Expeditors. To the extent  
19 such allegations do require a response from Expeditors, Expeditors denies the same. Expeditors  
20 specifically denies that it breached any duties, or that it is liable for any of plaintiff's alleged  
21 damages.  
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23           Expeditors denies that plaintiff is entitled to any relief requested in its prayer.  
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1 **AFFIRMATIVE DEFENSES**

2 1) Plaintiff has failed to state acclaim for which relief may be granted.

3 2) Plaintiff's claim against Expeditors is time barred by one or more statutes of  
4 limitations as provided by contract, statute and/or treaty.

5 3) Plaintiff's claims against Expeditors are barred for plaintiff's failure to provide  
6 Expeditors timely notice of claim as provided by contract, statute and/or treaty.

7 4) The extent of Expeditors' liability to plaintiff, if any, is limited to a sum below the  
8 amount demanded as provided by contract, statute and/or treaty.

9 5) Plaintiff's alleged damages were caused, wholly or partially, by its own  
10 negligence, breach of contract and/or other wrongdoing.

11 6) Plaintiff's alleged damages, if any, were caused by the negligence, breach of  
12 contract, and/or other wrongdoing of one or more entities for which Expeditors is not responsible  
13 or liable.

14 7) Plaintiff has failed to fully mitigate its alleged damages.

15 WHEREFORE, Expeditors prays for relief as follows:

16 1) That plaintiff's Complaint be dismissed with prejudice and that plaintiff take  
17 nothing thereby;

18 2) For an award of Expeditors' costs and reasonable attorneys' fees incurred herein;  
19 and

20 3) For such other and further relief as the Court may deem just and proper.

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22 //  
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25 //  
26 //

1 DATED this 4th day of June, 2015.

2 *s/ Steven W. Block*

3 Steven W. Block, WSBA No. 24299  
4 FOSTER PEPPER PLLC

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6 Seattle, Washington 98101-3299

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8 Facsimile: (206) 447-9700

9 Email: sblock@foster.com

10 Attorneys for Defendant Expeditors  
11 International of Washington, Inc.

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1 CERTIFICATE OF SERVICE

2 I hereby certify service that on June 4, 2015, I electronically filed the preceding document with  
3 the Clerk of the Court using the CM/ECF system which will send notification to the counsel of record in  
4 this case:

5 **James F Whitehead, III**  
6 2003 Western Avenue , Suite 330  
7 Seattle, WA 98121  
8 206-448-0100  
9 206-448-2252 (fax)  
10 jim@jfw-law.com  
11 Attorneys for Plaintiff

12 I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true  
13 and correct.

14 Dated June 4, 2015.

15 s/ Steven W. Block  
16 Steven W. Block  
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ANSWER OF DEFENDANT EXPEDITORS  
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